



April 9, 2001

ENGROSSED

SENATE BILL No. 263

DIGEST OF SB 263 (Updated April 4, 2001 8:52 PM - DI 98)

Citations Affected: IC 12-13; IC 12-14; IC 12-17.2; IC 12-17.4; IC 12-20; IC 16-41; noncode.

Synopsis: Human services. Requires a township trustee to: (1) assist individuals with certain disabilities in completing a poor relief application; (2) make alternate arrangements for obtaining the signature of an individual who is unable for certain reasons to sign the application in the trustee's office; and (3) allow the surviving relatives of an individual for whom the township trustee is required to provide a funeral and burial or cremation to select the funeral director who will conduct the funeral and burial or cremation of the individual. Provides circumstances under which a township trustee may authorize the payment of delinquent bills for certain utility services. Allows a township trustee to require individuals needing insulin to make a regular application for poor relief assistance before receiving free insulin a second time. Increases the allowable reimbursement for various burial fees for recipients of public assistance. Changes the name of the "bureau of community services" within the division of family and children to the "bureau of family resources". Changes the definition of "community action agency" to include: (1) a private nonprofit organization that is geographically located within a community; (2) a private nonprofit organization that is located in a county or counties contiguous to or within reasonable proximity of a community; and (3) a political subdivision if there is otherwise no qualified nonprofit organization. Requires employees of child care institutions, group homes, and child care centers to be currently (as opposed to "annually") certified in cardiopulmonary resuscitation (CPR).

Effective: July 1, 2001.

Lawson C, Smith S

(HOUSE SPONSORS — STILWELL, YOUNG D)

January 11, 2001, read first time and referred to Committee on Governmental and Regulatory Affairs.

February 1, 2001, amended, reported favorably — Do Pass.

February 5, 2001, read second time, ordered engrossed.

February 6, 2001, engrossed.

February 8, 2001, read third time, passed. Yeas 34, nays 15.

HOUSE ACTION

February 26, 2001, read first time and referred to Committee on Human Affairs.

April 9, 2001, amended, reported — Do Pass.

ES 263—LS 7223/DI 77+



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April 9, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 263

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-13-6-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The following
3 bureaus are established within the division:

- 4 (1) A bureau of family independence.
- 5 (2) A family protection bureau.
- 6 (3) A youth development bureau that includes a children's
- 7 disabilities services unit.
- 8 (4) A bureau of child care services.
- 9 (5) A bureau of residential services.
- 10 (6) A bureau of ~~community services~~ **family resources**.
- 11 (7) A food stamp bureau.
- 12 (8) A child support bureau.

13 SECTION 2. IC 12-14-6-1, AS AMENDED BY P.L.273-1999,
14 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2001]: Sec. 1. (a) This section applies upon the death of either
16 of the following:

- 17 (1) A recipient who is receiving assistance as a dependent child.

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(2) A parent of the recipient.

(b) ~~Unless otherwise determined by the director,~~ The division shall pay ~~six hundred dollars (\$600)~~ **one thousand two hundred dollars (\$1,200)** for the funeral director's expenses of the decedent if the following conditions exist:

(1) The estate of the deceased is insufficient to pay the funeral director's expenses.

(2) The person legally responsible for the burial of the deceased is unable to pay the funeral director's expenses.

SECTION 3. IC 12-14-6-2, AS AMENDED BY P.L.273-1999, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. ~~Unless otherwise determined by the director,~~ In addition to the amount paid under section 1 of this chapter, not more than ~~four hundred dollars (\$400)~~ **eight hundred dollars (\$800)** shall be paid for the cemetery's expenses for the following:

(1) To cover provision of burial rights if necessary.

(2) Opening and closing a burial plot and provision of an outer container.

(3) Service required by the cemetery authorities.

SECTION 4. IC 12-14-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The bureau of ~~community services~~ **family resources** is established within the division.

SECTION 5. IC 12-14-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The bureau of ~~community services~~ **family resources** shall perform the following duties:

(1) Provide a range of services and activities having a measurable and potentially major impact on causes of poverty.

(2) Provide activities designed to assist low income participants, including the elderly poor, to do the following:

(A) Secure and retain meaningful employment.

(B) Attain an adequate education.

(C) Make better use of available income.

(D) Obtain and maintain adequate housing and a suitable living environment.

(E) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, energy assistance, nutritious food, housing, and employment related assistance.

(F) Remove obstacles and solve problems that block the achievement of self-sufficiency.



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(G) Achieve greater participation in the affairs of the community.

(H) Make more effective use of other programs related to the purposes of this chapter.

(3) Provide on an emergency basis for the provision of supplies, nutritious foodstuffs, and related services that are necessary to counteract conditions of starvation and malnutrition among the poor.

(4) Coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of services to low income individuals.

(5) Encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community.

(6) Coordinate the provision of available services for migrant farmworkers.

(7) Administer the home energy assistance program established by IC 12-14-11.

(8) Administer the low income home weatherization programs conducted by the division.

SECTION 6. IC 12-14-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. The commission shall do the following:

(1) Serve as an advisory body to the director and the bureau of ~~community services~~ **family resources** regarding federal housing programs administered by the division.

(2) Recommend the policies and procedures necessary to carry out this chapter.

SECTION 7. IC 12-14-17-2, AS AMENDED BY P.L.273-1999, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) This section applies upon the death of either of the following:

(1) A recipient who is receiving supplemental assistance.

(2) An aged, blind, or disabled person who at the time of death was certified as eligible to receive medical assistance under Medicaid.

(b) ~~Unless otherwise determined by the director,~~ The division shall pay ~~six hundred dollars (\$600)~~ **one thousand two hundred dollars (\$1,200)** for the funeral director's expenses of the decedent if the following conditions exist:

(1) The estate of the deceased is insufficient to pay the funeral director's expenses.

(2) The individual legally responsible for the burial of the

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deceased is unable to pay the funeral director's expenses.

SECTION 8. IC 12-14-17-3, AS AMENDED BY P.L.273-1999, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. ~~Unless otherwise determined by the director,~~ In addition to money paid by the division under section 2 of this chapter and even if the deceased or person legally responsible for the deceased possesses a burial lot, the division shall pay ~~four hundred dollars (\$400)~~ **eight hundred dollars (\$800)** for the cemetery's expenses for the deceased to cover the following:

- (1) The provision of burial rights if necessary.
- (2) The opening and closing of a burial plot and provision of an outer container.
- (3) The service required by the cemetery authorities.

SECTION 9. IC 12-14-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter, "community action agency" means an entity that meets the following conditions:

- (1) Is any of the following:
 - (A) ~~A political subdivision of the state.~~ **private nonprofit organization that is geographically located within a community.**
 - (B) ~~A combination of political subdivisions.~~ **private nonprofit organization that is located in a county or counties contiguous to or within reasonable proximity of a community.**
 - (C) ~~An agency of a political subdivision.~~ **A political subdivision if there is no qualified nonprofit organization identified that meets the criteria set forth in clause (A) or (B).**
 - ~~(D) A private nonprofit agency.~~
- (2) Has the authority under state or federal law to receive money to support the community action programs described in sections 3 and 4 of this chapter.
- (3) Is designated as a community action agency by the governor or by federal law.

SECTION 10. IC 12-17.2-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A license may be issued only if a child care center is in compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.



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(b) A license may be issued only if the child care center is in substantial compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The division may issue a waiver or variance regarding a determination by the division or the state fire marshal under subsections (a) and (b).

(d) Except as provided in subsection (e), the division may issue a license under this chapter only if the child care center is staffed, when children are being cared for, by at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on pediatric cardiopulmonary resuscitation and pediatric airway obstruction under the American Heart Association's Basic Life Support Course D or any other comparable course approved by the division.

(e) The requirement set forth in subsection (d) does not apply to a child care center that:

(1) serves only children who are at least thirteen (13) years of age and less ~~than~~ twenty-one (21) years of age; and

(2) has on duty, when the children are being cared for, at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on ~~cardiopulmonary~~ **cardiopulmonary** resuscitation as required by the division.

(f) Upon request, the county ~~department of public welfare~~ **office of family and children** shall provide, within forty-eight (48) hours, excluding weekends and holidays, copies of substantiated noncompliances and other substantiated complaints filed with the division of family and children concerning a licensed child care center.

SECTION 11. IC 12-17.4-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A license may be issued only if the child caring institution is in substantial compliance with food, health, safety, and sanitation standards under rules adopted by the division under IC 12-17.4-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.4-2-8.

(b) A license may be issued only if the child caring institution is in compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.4-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.4-2-8.

(c) The division may issue a waiver or variance regarding a determination by the state fire marshal under subsection (b).

(d) Except as provided in subsection (e), the division may not issue

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a license under this chapter unless the child caring institution is staffed by, when children are being cared for, at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on pediatric cardiopulmonary resuscitation and pediatric airway obstruction under the American Heart Association's Basic Life Support Course D or any other comparable course approved by the division.

(e) The requirement under subsection (d) does not apply to a child caring institution that only serves children who are at least thirteen (13) years of age and less than twenty-one (21) years of age. However, a child caring institution that only serves children who are at least thirteen (13) years of age and less than twenty-one (21) years of age must have on duty, when children are being cared for, at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on cardiopulmonary resuscitation as required by the division.

SECTION 12. IC 12-20-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A township trustee may not extend aid to an individual or a household unless an application and affidavit setting forth the personal condition of the individual or household has been filed with the trustee within one hundred eighty (180) days before the date aid is extended.

(b) An individual filing an application and affidavit on behalf of a household must provide the names of all household members and any information necessary for determining the household's eligibility for poor relief. The application must be on the form prescribed by the state board of accounts.

(c) An applicant for utility assistance under IC 12-20-16-3(a) must comply with IC 12-20-16-3(d).

(d) The township trustee may not extend additional or continuing aid to an individual or a household unless the individual or household files an affidavit with the request for assistance affirming how, if at all, the personal condition of the individual or the household has changed from that set forth in the individual's or household's most recent application.

(e) The township trustee shall assist an applicant for poor relief in completing a poor relief application if the applicant:

(1) has a mental or physical disability, including mental retardation, cerebral palsy, blindness, or paralysis;

(2) has dyslexia; or

(3) cannot read or write the English language.

SECTION 13. IC 12-20-6-6.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.6. Notwithstanding any other provision of this article:



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(1) a township trustee may not extend aid to or for the benefit of an individual if that aid would pay for goods or services provided to or for the benefit of the individual; **and**

(2) a township is not obligated to pay the cost of basic necessities incurred on behalf of the household in which the individual resides;

during a period that the individual has previously applied for and been denied township poor relief.

SECTION 14. IC 12-20-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking poor relief must consent to a disclosure and release of information about the applicant and the applicant's household before poor relief may be provided by the township trustee. The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

(1) The applicant's name, case number, and address.

(2) The types of information being solicited, including the following:

(A) Countable income.

(B) Countable assets.

(C) Wasted resources.

(D) Relatives capable of providing assistance.

(E) Past or present employment.

(F) Pending claims or causes of action.

(G) A medical condition if relevant to work or workfare requirements.

(H) Any other information required by law.

(3) The names of individuals, agencies, and township trustee offices that will receive the information.

(4) The expiration date of the permission to disclose information.

(b) Information that is declared to be confidential by state or federal statute may not be obtained under the consent form prescribed by this section.

(c) The township trustee shall keep on file and shall make available to the division of family and children and office of Medicaid policy and planning upon request a copy of the signed consent form described in subsection (a).

(d) The township trustee shall send to the county office a copy of the signed consent form described in subsection (a).

(e) The division of family and children, county offices, and the office of Medicaid policy and planning shall make available to the

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township trustee upon request a copy of signed consent to disclosure and release of information forms in each entity's files.

(f) If an individual who is required to sign a form under this section is unable to sign the form in the township trustee's office due to a physical or mental disability or illness, the township trustee shall make alternate arrangements to obtain the individual's signature.

SECTION 15. IC 12-20-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As a condition of continuing eligibility, a township trustee may require a recipient of poor relief or any member of a recipient's household to participate in an appropriate work training program that is offered to the recipient or a member of the recipient's household

~~(1) within the county or an adjoining township in another county under the Job Training Partnership Act established by 29 U.S.C. 1501 et seq.; or~~

~~(2) by a:~~

(1) federal, state, or local governmental entity; or

(2) nonprofit agency.

SECTION 16. IC 12-20-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The township trustee may, in cases of necessity, authorize the payment from township poor relief money for essential utility services, including the following:

(1) Water services.

(2) Gas services.

(3) Electric services.

(4) Fuel oil services for fuel oil used for heating or cooking.

(5) Coal, wood, or liquid propane used for heating or cooking.

~~(b) In addition,~~ The township trustee may authorize the payment of delinquent bills for the services listed in ~~subdivisions (1) through (5)~~ **subsection (a)(1) through (a)(5)** when necessary to prevent the termination of the services or to restore terminated service **if both of the following conditions are met:**

(1) The delinquency has lasted not longer than twenty-four (24) months.

(2) The household was financially eligible for poor relief benefits at the time the cost of the delinquent essential utility service was incurred.

The township trustee has no obligation to pay a delinquent bill for the services or materials listed in subsection (a)(1) through (a)(5) if the delinquency has lasted longer than twenty-four (24) months.

~~(b)~~ (c) The township trustee is not required to pay for any utility



service:

(1) that is not properly charged to:

(A) an adult member of a household;

(B) an emancipated minor who is head of the household; or

(C) a landlord or former member of the household if the applicant proves that the applicant:

(i) received the services as a tenant residing at the service address at the time the cost was incurred; and

(ii) is responsible for payment of the bill; or

(2) received as a result of a fraudulent act by any adult member of a household requesting poor relief assistance; **or**

(3) that includes the use of township poor relief funds for the payment of:

(A) a security deposit; or

(B) damages caused by a poor relief applicant to utility company property.

~~(c)~~ **(d)** The amount paid by the township trustee, as administrator of poor relief, and the amount charged for water services may not exceed the minimum rate charged for the service as fixed by the Indiana utility regulatory commission.

~~(d)~~ **(e)** This subsection applies only during the part of each year when applications for assistance are accepted by the division under IC 12-14-11. A township trustee may not provide assistance to make any part of a payment for heating fuel or electric services for more than thirty (30) days unless the individual files an application with the township trustee that includes the following:

(1) Evidence of application for assistance for heating fuel or electric services from the division under IC 12-14-11.

(2) The amount of assistance received or the reason for denial of assistance.

The township trustee shall inform an applicant for assistance for heating fuel or electric services that assistance for heating fuel and electric services may be available from the division under IC 12-14-11 and that the township trustee may not provide assistance to make any part of a payment for those services for more than thirty (30) days unless the individual files an application for assistance for heating fuel or electric services under IC 12-14-11. However, if the applicant household is eligible under criteria established by the division of disability, aging, and rehabilitative services for energy assistance under IC 12-14-11, the trustee may certify the applicant as eligible for that assistance by completing an application form prescribed by the state board of accounts and forwarding the eligibility certificate to the



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1 division of disability, aging, and rehabilitative services within the
 2 period established for the acceptance of applications. If the trustee
 3 follows this certification procedure, no other application is required for
 4 assistance under IC 12-14-11.

5 ~~(e)~~ **(f)** If an individual or a member of an individual's household has
 6 received assistance under subsection ~~(a)~~ **(b)**, the individual must,
 7 before the individual or the member of the individual's household may
 8 receive further assistance under subsection ~~(a)~~ **(b)**, certify whether the
 9 individual's or household's income, resources, or household size has
 10 changed since the individual filed the most recent application for poor
 11 relief assistance. If the individual or a member of the individual's
 12 household certifies that the income, resources, or household size has
 13 changed, the township trustee shall review the individual's or
 14 household's eligibility and may make any necessary adjustments in the
 15 level of assistance provided to the individual or to a member of the
 16 individual's household.

17 SECTION 17. IC 12-20-16-12 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) This section
 19 does not apply if the county coroner assumes jurisdiction of an
 20 unclaimed body under IC 36-2-14-16.

21 (b) If:

22 (1) an individual dies in a township without leaving:

23 (A) money;

24 (B) real or personal property;

25 (C) other assets that may be liquidated; or

26 (D) other means necessary to defray funeral expenses; and

27 (2) the individual is not a resident of another township in Indiana;
 28 the township trustee, as administrator of poor relief, shall provide a
 29 person to superintend and authorize either the funeral and burial or
 30 cremation of the deceased individual. If the township trustee
 31 determines that the deceased individual is a resident of another
 32 township in Indiana, the township trustee shall notify the trustee of that
 33 township, who shall then provide a person to superintend and authorize
 34 either the funeral and burial or cremation of the deceased individual.
 35 **The township trustee who provides a person to superintend and**
 36 **authorize the funeral and burial or cremation of a deceased**
 37 **individual shall allow the surviving relatives of the deceased**
 38 **individual to select the funeral director who will conduct the**
 39 **funeral and burial or cremation of the deceased individual.**

40 (c) The necessary and reasonable expenses of the funeral and burial
 41 or cremation, including a burial plot, shall be paid in the same manner
 42 as other claims for poor relief. A trustee shall determine the cost for the



1 items and services required by law for the funeral and burial of an
 2 individual, including a burial plot, and for the cremation of an
 3 individual, and include in the township's poor relief standards the
 4 maximum funeral and burial or cremation amount to be paid from poor
 5 relief funds. The trustee may deduct from the maximum amount the
 6 following:

7 (1) Any monetary benefits that the deceased individual is entitled
 8 to receive from a state or federal program.

9 (2) Any money that another person provides on behalf of the
 10 deceased individual.

11 (d) If an individual described in subsection (b) is a resident of a
 12 state institution at the time of the individual's death, the division that
 13 has administrative control of the state institution shall reimburse the
 14 township trustee for the necessary and reasonable expenses of the
 15 funeral and burial or cremation of the deceased individual. The
 16 township trustee shall submit to the division that has administrative
 17 control of the state institution an itemized claim for reimbursement of
 18 the necessary and reasonable funeral and burial or cremation expenses
 19 incurred by the township trustee.

20 (e) If an individual described in subsection (b) is a resident of a
 21 special institution governed by IC 16-33 at the time of the individual's
 22 death, the state department of health shall reimburse the township
 23 trustee for the necessary and reasonable expenses of the funeral and
 24 burial or cremation of the deceased individual. The township trustee
 25 shall submit to the state department of health an itemized claim for
 26 reimbursement of the necessary and reasonable funeral and burial or
 27 cremation expenses incurred by the township trustee.

28 (f) A township trustee who provides funeral and burial or cremation
 29 benefits to a deceased individual is entitled to a first priority claim, to
 30 the extent of the cost of the funeral and burial or cremation benefits
 31 paid by the township trustee, against any money or other personal
 32 property held by the coroner under IC 36-2-14-11.

33 (g) The township trustee may not cremate a deceased individual if:

34 (1) the deceased individual; or

35 (2) a surviving family member of the deceased individual;
 36 has objected in writing to cremation.

37 (h) If a township trustee provides a funeral under this section, the
 38 cost of the funeral may not be more than the cost of the least expensive
 39 funeral, including any necessary merchandise and embalming,
 40 available from the funeral director under the funeral director's price list
 41 disclosed to the Federal Trade Commission.

42 SECTION 18. IC 12-20-21-4, AS AMENDED BY P.L.101-2000,



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SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. If the board of commissioners determines from the quarterly reports filed by the township trustee under IC 12-20-21-5 with the county auditor and the levies made by the respective townships for poor relief purposes that there will be insufficient money in the township poor relief fund to provide free and available money during the following year for estimated advancements to townships for poor relief purposes on the basis of the total costs of poor relief granted by the township trustees, as administrators of poor relief, for the previous twelve (12) months:

- (1) the board of commissioners may include estimates for the advancements in the county general fund budget;
- (2) the county fiscal body may appropriate for the advancement in the budget and levy as adopted by the county fiscal body; and
- (3) the state board of tax commissioners shall include that amount in the final county general fund levy.

SECTION 19. IC 16-41-19-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. **(a) Except as provided in subsection (b),** all costs that are incurred in furnishing biologicals under this chapter, **IC 12-20-16-2(c)(13),** or IC 12-20-16-14 shall be paid by:

- (1) the appropriate county, city, or town against which the application form is issued from general funds; and
- (2) the appropriate township against which the application form is issued from funds in the township poor relief fund;

not otherwise appropriated without appropriations.

(b) A township is not responsible for paying for biologicals as provided in subsection (a)(2) if the township trustee has evidence that the individual has the financial ability to pay for the biologicals.

(c) After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee may require the individual to complete and file a standard application for poor relief in order to investigate the financial condition of the individual claiming to be indigent. The trustee shall immediately notify the individual's physician that:

- (1) the financial ability of the individual claiming to be indigent is in question; and**
- (2) a standard application for poor relief must be filed with the township.**

The township shall continue to furnish insulin under this section until the township trustee completes an investigation and makes a



1 determination as to the individual's financial ability to pay for
2 insulin.

3 (d) For purposes of this section, the township shall consider an
4 adult individual needing insulin as an individual and not as a
5 member of a household requesting poor relief.

6 SECTION 20. [EFFECTIVE JULY 1, 2001] After June 30, 2001,
7 any reference to the bureau of community services in a statute or
8 rule shall be construed as a reference to the bureau of family
9 resources.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 263, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 5. IC 12-20-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. In hearing an appeal, the board of commissioners and a hearing officer shall be governed by the township's poor relief standards for determining eligibility to the extent that the standards comply with existing law for the granting of poor relief. If no legally sufficient standards have been established, the board of commissioners and the hearing officer shall be guided by the circumstances in each case. **The board of commissioners and the hearing officer may not consider any documents or evidence that were not presented to the township trustee to make the determination under appeal.**".

Page 5, delete lines 13 through 21, begin a new paragraph and insert:

"SECTION 7. IC 12-20-21-4, AS AMENDED BY P.L.101-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. If the board of commissioners determines from the quarterly reports filed by the township trustee under IC 12-20-21-5 with the county auditor and the levies made by the respective townships for poor relief purposes that there will be insufficient money in the township poor relief fund to provide free and available money during the following year ~~for estimated advancements to townships~~ for poor relief purposes on the basis of the total costs of poor relief granted by the township trustees, as administrators of poor relief, for the previous twelve (12) months:

- (1) the board of commissioners may include estimates for the advancements in the county general fund budget;
- (2) the county fiscal body may appropriate for the advancement in the budget and levy as adopted by the county fiscal body; and
- (3) the state board of tax commissioners shall include that amount in the final county general fund levy."

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 263 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 8, Nays 1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Senate Bill 263, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-13-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The following bureaus are established within the division:

- (1) A bureau of family independence.
- (2) A family protection bureau.
- (3) A youth development bureau that includes a children's disabilities services unit.
- (4) A bureau of child care services.
- (5) A bureau of residential services.
- (6) A bureau of ~~community services~~ **family resources**.
- (7) A food stamp bureau.
- (8) A child support bureau.

SECTION 2. IC 12-14-6-1, AS AMENDED BY P.L.273-1999, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) This section applies upon the death of either of the following:

- (1) A recipient who is receiving assistance as a dependent child.
- (2) A parent of the recipient.

(b) ~~Unless otherwise determined by the director,~~ The division shall pay ~~six hundred dollars (\$600)~~ **one thousand two hundred dollars (\$1,200)** for the funeral director's expenses of the decedent if the following conditions exist:

- (1) The estate of the deceased is insufficient to pay the funeral director's expenses.
- (2) The person legally responsible for the burial of the deceased is unable to pay the funeral director's expenses.

SECTION 3. IC 12-14-6-2, AS AMENDED BY P.L.273-1999, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. ~~Unless otherwise determined by the director,~~ In addition to the amount paid under section 1 of this chapter, not more than ~~four hundred dollars (\$400)~~ **eight hundred dollars (\$800)** shall be paid for the cemetery's expenses for the following:

- (1) To cover provision of burial rights if necessary.
- (2) Opening and closing a burial plot and provision of an outer container.

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(3) Service required by the cemetery authorities.

SECTION 4. IC 12-14-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The bureau of **community services family resources** is established within the division.

SECTION 5. IC 12-14-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The bureau of **community services family resources** shall perform the following duties:

- (1) Provide a range of services and activities having a measurable and potentially major impact on causes of poverty.
- (2) Provide activities designed to assist low income participants, including the elderly poor, to do the following:
 - (A) Secure and retain meaningful employment.
 - (B) Attain an adequate education.
 - (C) Make better use of available income.
 - (D) Obtain and maintain adequate housing and a suitable living environment.
 - (E) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, energy assistance, nutritious food, housing, and employment related assistance.
 - (F) Remove obstacles and solve problems that block the achievement of self-sufficiency.
 - (G) Achieve greater participation in the affairs of the community.
 - (H) Make more effective use of other programs related to the purposes of this chapter.
- (3) Provide on an emergency basis for the provision of supplies, nutritious foodstuffs, and related services that are necessary to counteract conditions of starvation and malnutrition among the poor.
- (4) Coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of services to low income individuals.
- (5) Encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community.
- (6) Coordinate the provision of available services for migrant farmworkers.
- (7) Administer the home energy assistance program established by IC 12-14-11.
- (8) Administer the low income home weatherization programs

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conducted by the division.

SECTION 6. IC 12-14-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. The commission shall do the following:

- (1) Serve as an advisory body to the director and the bureau of ~~community services~~ **family resources** regarding federal housing programs administered by the division.
- (2) Recommend the policies and procedures necessary to carry out this chapter.

SECTION 7. IC 12-14-17-2, AS AMENDED BY P.L.273-1999, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) This section applies upon the death of either of the following:

- (1) A recipient who is receiving supplemental assistance.
- (2) An aged, blind, or disabled person who at the time of death was certified as eligible to receive medical assistance under Medicaid.

(b) ~~Unless otherwise determined by the director,~~ The division shall pay ~~six hundred dollars (\$600)~~ **one thousand two hundred dollars (\$1,200)** for the funeral director's expenses of the decedent if the following conditions exist:

- (1) The estate of the deceased is insufficient to pay the funeral director's expenses.
- (2) The individual legally responsible for the burial of the deceased is unable to pay the funeral director's expenses.

SECTION 8. IC 12-14-17-3, AS AMENDED BY P.L.273-1999, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. ~~Unless otherwise determined by the director,~~ In addition to money paid by the division under section 2 of this chapter and even if the deceased or person legally responsible for the deceased possesses a burial lot, the division shall pay ~~four hundred dollars (\$400)~~ **eight hundred dollars (\$800)** for the cemetery's expenses for the deceased to cover the following:

- (1) The provision of burial rights if necessary.
- (2) The opening and closing of a burial plot and provision of an outer container.
- (3) The service required by the cemetery authorities.

SECTION 9. IC 12-14-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter, "community action agency" means an entity that meets the following conditions:

- (1) Is any of the following:

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(A) ~~A political subdivision of the state.~~ **private nonprofit organization that is geographically located within a community.**

(B) ~~A combination of political subdivisions.~~ **private nonprofit organization that is located in a county or counties contiguous to or within reasonable proximity of a community.**

(C) ~~An agency of a political subdivision.~~ **A political subdivision if there is no qualified nonprofit organization identified that meets the criteria set forth in clause (A) or (B).**

~~(D) A private nonprofit agency.~~

(2) Has the authority under state or federal law to receive money to support the community action programs described in sections 3 and 4 of this chapter.

(3) Is designated as a community action agency by the governor or by federal law.

SECTION 10. IC 12-17.2-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A license may be issued only if a child care center is in compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(b) A license may be issued only if the child care center is in substantial compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The division may issue a waiver or variance regarding a determination by the division or the state fire marshal under subsections (a) and (b).

(d) Except as provided in subsection (e), the division may issue a license under this chapter only if the child care center is staffed, when children are being cared for, by at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on pediatric cardiopulmonary resuscitation and pediatric airway obstruction under the American Heart Association's Basic Life Support Course D or any other comparable course approved by the division.

(e) The requirement set forth in subsection (d) does not apply to a child care center that:

(1) serves only children who are at least thirteen (13) years of age



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and less **than** twenty-one (21) years of age; and
 (2) has on duty, when the children are being cared for, at least one
 (1) child care provider who is ~~annually~~ **currently** certified in a
 program on ~~cardipulmonary~~ **cardiopulmonary** resuscitation as
 required by the division.

(f) Upon request, the county ~~department of public welfare~~ **office of family and children** shall provide, within forty-eight (48) hours, excluding weekends and holidays, copies of substantiated noncompliances and other substantiated complaints filed with the division of family and children concerning a licensed child care center.

SECTION 11. IC 12-17.4-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A license may be issued only if the child caring institution is in substantial compliance with food, health, safety, and sanitation standards under rules adopted by the division under IC 12-17.4-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.4-2-8.

(b) A license may be issued only if the child caring institution is in compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.4-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.4-2-8.

(c) The division may issue a waiver or variance regarding a determination by the state fire marshal under subsection (b).

(d) Except as provided in subsection (e), the division may not issue a license under this chapter unless the child caring institution is staffed by, when children are being cared for, at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on pediatric cardiopulmonary resuscitation and pediatric airway obstruction under the American Heart Association's Basic Life Support Course D or any other comparable course approved by the division.

(e) The requirement under subsection (d) does not apply to a child caring institution that only serves children who are at least thirteen (13) years of age and less than twenty-one (21) years of age. However, a child caring institution that only serves children who are at least thirteen (13) years of age and less than twenty-one (21) years of age must have on duty, when children are being cared for, at least one (1) child care provider who is ~~annually~~ **currently** certified in a program on cardiopulmonary resuscitation as required by the division.

SECTION 12. IC 12-20-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A township trustee may not extend aid to an individual or a household unless an application and affidavit setting forth the personal condition of the

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individual or household has been filed with the trustee within one hundred eighty (180) days before the date aid is extended.

(b) An individual filing an application and affidavit on behalf of a household must provide the names of all household members and any information necessary for determining the household's eligibility for poor relief. The application must be on the form prescribed by the state board of accounts.

(c) An applicant for utility assistance under IC 12-20-16-3(a) must comply with IC 12-20-16-3(d).

(d) The township trustee may not extend additional or continuing aid to an individual or a household unless the individual or household files an affidavit with the request for assistance affirming how, if at all, the personal condition of the individual or the household has changed from that set forth in the individual's or household's most recent application.

(e) The township trustee shall assist an applicant for poor relief in completing a poor relief application if the applicant:

(1) has a mental or physical disability, including mental retardation, cerebral palsy, blindness, or paralysis;

(2) has dyslexia; or

(3) cannot read or write the English language."

Page 1, delete lines 12 through 17, begin a new paragraph and insert:

"SECTION 14. IC 12-20-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking poor relief must consent to a disclosure and release of information about the applicant and the applicant's household before poor relief may be provided by the township trustee. The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

(1) The applicant's name, case number, and address.

(2) The types of information being solicited, including the following:

(A) Countable income.

(B) Countable assets.

(C) Wasted resources.

(D) Relatives capable of providing assistance.

(E) Past or present employment.

(F) Pending claims or causes of action.

(G) A medical condition if relevant to work or workfare requirements.



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(H) Any other information required by law.

(3) The names of individuals, agencies, and township trustee offices that will receive the information.

(4) The expiration date of the permission to disclose information.

(b) Information that is declared to be confidential by state or federal statute may not be obtained under the consent form prescribed by this section.

(c) The township trustee shall keep on file and shall make available to the division of family and children and office of Medicaid policy and planning upon request a copy of the signed consent form described in subsection (a).

(d) The township trustee shall send to the county office a copy of the signed consent form described in subsection (a).

(e) The division of family and children, county offices, and the office of Medicaid policy and planning shall make available to the township trustee upon request a copy of signed consent to disclosure and release of information forms in each entity's files.

(f) If an individual who is required to sign a form under this section is unable to sign the form in the township trustee's office due to a physical or mental disability or illness, the township trustee shall make alternate arrangements to obtain the individual's signature."

Delete page 2.

Page 3, delete lines 1 through 3.

Page 3, delete lines 16 through 26.

Page 5, between lines 23 and 24, begin a new paragraph and insert:
"SECTION 17. IC 12-20-16-12 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) This section
does not apply if the county coroner assumes jurisdiction of an
unclaimed body under IC 36-2-14-16.

(b) If:

(1) an individual dies in a township without leaving:

(A) money;

(B) real or personal property;

(C) other assets that may be liquidated; or

(D) other means necessary to defray funeral expenses; and

(2) the individual is not a resident of another township in Indiana; the township trustee, as administrator of poor relief, shall provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual. If the township trustee determines that the deceased individual is a resident of another township in Indiana, the township trustee shall notify the trustee of that

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township, who shall then provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual. **The township trustee who provides a person to superintend and authorize the funeral and burial or cremation of a deceased individual shall allow the surviving relatives of the deceased individual to select the funeral director who will conduct the funeral and burial or cremation of the deceased individual.**

(c) The necessary and reasonable expenses of the funeral and burial or cremation, including a burial plot, shall be paid in the same manner as other claims for poor relief. A trustee shall determine the cost for the items and services required by law for the funeral and burial of an individual, including a burial plot, and for the cremation of an individual, and include in the township's poor relief standards the maximum funeral and burial or cremation amount to be paid from poor relief funds. The trustee may deduct from the maximum amount the following:

- (1) Any monetary benefits that the deceased individual is entitled to receive from a state or federal program.
- (2) Any money that another person provides on behalf of the deceased individual.

(d) If an individual described in subsection (b) is a resident of a state institution at the time of the individual's death, the division that has administrative control of the state institution shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the division that has administrative control of the state institution an itemized claim for reimbursement of the necessary and reasonable funeral and burial or cremation expenses incurred by the township trustee.

(e) If an individual described in subsection (b) is a resident of a special institution governed by IC 16-33 at the time of the individual's death, the state department of health shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the state department of health an itemized claim for reimbursement of the necessary and reasonable funeral and burial or cremation expenses incurred by the township trustee.

(f) A township trustee who provides funeral and burial or cremation benefits to a deceased individual is entitled to a first priority claim, to the extent of the cost of the funeral and burial or cremation benefits paid by the township trustee, against any money or other personal property held by the coroner under IC 36-2-14-11.



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(g) The township trustee may not cremate a deceased individual if:
 (1) the deceased individual; or
 (2) a surviving family member of the deceased individual;
 has objected in writing to cremation.

(h) If a township trustee provides a funeral under this section, the cost of the funeral may not be more than the cost of the least expensive funeral, including any necessary merchandise and embalming, available from the funeral director under the funeral director's price list disclosed to the Federal Trade Commission."

Page 6, after line 29, begin a new paragraph and insert the following:

"SECTION 20. [EFFECTIVE JULY 1, 2001] **After June 30, 2001, any reference to the bureau of community services in a statute or rule shall be construed as a reference to the bureau of family resources.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 263 as printed February 2, 2001.)

SUMMERS, Chair

Committee Vote: yeas 12, nays 1.

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